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A FAMOUS ENGLISH K. C.

WALTER PRESTON ARMSTRONG

Memphis Bar

"To be very poor, very ambitious and very much in love" was the reply many years ago attributed to Sir Edward Clarke, when asked what were the three essentials to success at the Bar. Although in it the remark is not repeated, one who reads the story of his life¹ will be convinced that the quotation is not apocryphal. For the son of a poor London shopkeeper, born in an old and conservative society, without a university education, without the aid of either wealth or family, "to take silk," gain and hold for twenty years a seat in the House of Commons, to attain the leadership of the Bar, become Solicitor General and finally a Privy Councillor—surely there must have been some powerful incentives. With Sir Edward Clarke they were, indeed, poverty which ever drove, love which ever inspired, and ambition which was never quite satisfied. While in England the man who unaided achieves wealth and success is exceptional, with us he has only just ceased to be typical. And yet, of all who have written of their progress along the high road to success, few have told their story in the spirit of this. Lowly birth, poverty, and misfortune are related without concealment, and what is rarer still, without boasting. For after all while to be of humble birth and stricken by poverty is not reason for shame neither is it cause for gratulation.

Deprived of the opportunity for a university education, the shop boy while passing his days in the shop devoted his evenings to school. His father's ambition was that his son should become his partner and ultimately his successor. But to the son the Bar was the gateway that led to the fortune and preferment towards which his ambition spurred him. His proficiency at school proved his passport. Success in a competitive examination won from Oxford the degree of Associate in Arts, just opened to those not members of the university, and another examination a few years later gave him a clerkship in the India House.

"Quite close to me was the desk which had been occupied thirty-five years before by Charles Lamb, about whose kindly and genial nature and shockingly unbusinesslike habits my colleagues who had known him had many a story to tell. The porters used to make many half-crowns by showing to American visitors a chair which they declared, quite untruly, to have been that which he sat in, and by selling the very last quill pen which had been preserved of those which he had used."²

¹ Sir Edward Clarke, *The Story of My Life* (1918).

² *Ibid.*, 49.

Another examination brought as its prize a Tancred studentship with an income of ninety-five pounds a year for the three years which must elapse before the call to the Bar came and for three years afterwards. The embryonic barrister became, in accordance with the terms of the foundation, a student of Lincoln's Inn and, after eating the required number of dinners, was called to the Bar. During these years of preparation Sir Edward apparently neglected no opportunity. At his boyhood school, of all the lads who had ever attended it, he had exhibited a talent for public speaking second only to one Brodribb, who had preceded him. And as Brodribb was in later years known to fame as Sir Henry Irving, the Master's praise was not equivocal when he said, "Very good, Clarke, very good, but I wish you could have heard Brodribb say that." This gift in after time he did not forget for he was determined that, if he failed to become a good speaker, it should not be from want of trying. He systematically studied rhetoric—Whately, Aristotle, Quintilian, Cicero and the speeches of the great orators, especially Erskine and Plunket. An opportunity for testing his acquirements was found in a debating club known as the "Hardwicke Society" which met at Dick's Coffee House and was attended by such notable men as Frederic Harrison, Giffard, Herschell and Charles Russell.

An order for the reporters' gallery in the House of Commons gave an opportunity "to become familiar with the atmosphere of the House" and "to study the styles and methods of the great masters of debate,"³ and in the Chancery Court near at hand he listened while Cairns and Palmer and Mellish and Rolt reasoned. And so the London shop boy, whose education was his own achievement but whose equipment many a man who has come to the Bar from an ancient and famous university might well have envied, became a barrister of Lincoln's Inn, and entered upon his successful career of advocacy which comprised half a century of active practice and included two decades in the House of Commons.

The separation of English lawyers into barristers and solicitors has its serious disadvantages for the young barrister. He cannot rely upon friends to furnish him briefs. He is never consulted or retained by the litigants themselves. His only clients are the solicitors. The usual result is that he becomes a "devil" to some junior and serves from five to seven years without compensation or recognition; then he becomes a junior and conducts the trial with or without the assistance of some leader as the solicitor may determine; finally, he must make the most momentous decision of his career, whether he shall "take silk" and become a K. C. If he does not, the highest reward will forever remain beyond his reach, for only a K. C. is retained as a leader in the most important cases and

³ *Ibid.*, 62.

a junior's fee is two-thirds that of his leader. On the other hand, if he does take this step he has burned his bridges behind him. It is *aut Caesar aut nullus*. He can no longer do the work of a junior. Unless solicitors consider him qualified to "lead" in important cases, his income is apt rapidly to diminish. The result is that many competent juniors never take silk but remain content to be led by men who are both their juniors in age and their inferiors in ability. But even in the most important cases the opportunity sometimes comes to the junior or even to the "poor devil" to close to the jury which is the traditional function of the leader.

When Sir Edward came to the Bar it was the custom for a Q. C. (as they were, of course, called in the reign of the great Queen) to accept all the briefs offered him. The result was that a popular and busy leader might have several cases in progress in different courts at the same time. He leaves the conduct of the case to the junior and divides his time as best he can, hurrying from court to court, opening one case, cross-examining an important witness in another and making a closing speech to the jury in a third. If the leader is absent (no case is postponed on account of absence of counsel) the entire conduct of the case devolves upon the junior. If both leader and junior are called away, his glorious and long awaited opportunity comes to the devil, to the consternation of the solicitor. It was thus that opportunity came to Sir Edward. The accused had driven over and killed a child and was being tried for manslaughter.

"Sergeant Sleigh defended, and had for his junior, Daly, a man then in good business at the Criminal Bar, who was often glad to get some one to take notes for him. I was doing this, and in the course of the afternoon Daly slipped out of Court. Presently Sleigh asked a foolish question. He said to a witness who was describing the prisoner's driving, 'Why, you must have thought he was drunk.' 'I am sure he was,' said the witness, and Sleigh, furious at his own blunder, turned around to speak to Daly. I hastily explained that he had gone away, and Sleigh with an oath flung out of Court. Presently the speech for the defence had to be made and neither Counsel was there. The Judge was very kind, asked me to address the jury, and bespoke for me their indulgent hearing."⁴

A verdict of not guilty was obtained, and an invitation to dine with the sheriffs and judges resulted and Sir Edward was started on his career. Such opportunities are now rare because of the custom of giving a leader a large fee on the understanding that he will attend to the case throughout.

Every successful lawyer when looking back to the beginning of his career has been impressed by the diverse ways in which business came and the curious part played by chance. A casual acquaintance, a half-forgotten college friendship, a political speech or even a con-

⁴ *Ibid.*, 80.

fusion of names may be the cause of a lucrative retainer. Sir Edward Clarke was retained to defend Charles Windsor, a New York bank defaulter, because a London solicitor had been impressed by a speech which he had made at a debating society. Extradition was sought under the Ashburton Treaty of 1842 for the crime of forgery. The crime had been concealed by making false entries in the books of the bank. A holding was obtained on *habeas corpus* that it was not forgery and so not within the treaty because it did not purport to be the handwriting of another. The result was that Sir Edward was retained in several other extradition cases during the course of which he became so familiar with the law of the subject that he published a book on *Extradition*,⁵ which ran through several editions and in turn was the source of many large retainers.

It is often as disastrous for a lawyer to have thrust upon him important litigation for which he is as yet unprepared as it is for him to waste the years of his vigorous prime in a vain wait for clients. Sir Edward was fortunate in that his first *cause célèbre* came to him when his powers were at their zenith. This was what is known in English criminal annals as the Penge mystery. Patrick and Louis Staunton together with Alice Rhodes, Louis' mistress, were indicted and tried for causing the death by starvation of Louis Staunton's wife Harriett. The defence was that death had been caused by cerebral disease. The feature of the case was Sir Edward Clarke's presentation of the medical testimony. So thoroughly did he present his case that although the verdict was "guilty" and the sentence death, *The Lancet* appealed to the medical profession and four hundred doctors signed a declaration that they were convinced that death was caused by cerebral disease. Under this pressure the Home Secretary gave way, and the prisoners were reprieved, Alice Rhodes being later set free and the sentence of the others being commuted to life imprisonment. Sir Edward's experience in this case is an illustration of the necessity of and the benefit to be derived from a thorough preparation on the part of the lawyer who has to handle technical evidence or cross-examine experts. General Butler tells how in one important case he spent a week in the repair shop of a railroad with a hammer in his hand ascertaining the capacity of iron to resist pressure and studying the probable result of the breakage of an axle under the tender of an engine and he adds that the knowledge so acquired saved the case.⁶

The Penge case was tried before Sir Henry Hawkins and his summing up, which consumed eleven hours, was according to Sir Edward Clarke biased and unfair. Edmund Purcell who appeared for Mrs. Patrick Staunton concurs in this view and says, "It was

⁵ Sir Edward Clarke, *A Treatise Upon the Law of Extradition* (1st ed. 1866, 2d ed. 1874, 3d ed. 1887, 4th ed. 1903).

⁶ Benjamin F. Butler, *Butler's Book* (1892).

quite the fault of the judge that the accused, against whom the evidence was strong, were not convicted of their real crime, manslaughter."⁷ Sir Henry Hawkins, perhaps conscious that this case had subjected him to some criticism, says: "No duty more arduous has ever since been imposed upon me, and I performed it in my honest conscience, without swerving from what I believed, and believe still, to be my strict line of duty."⁸ According to the barristers who practiced before him it was Sir Henry's custom to spare no effort to convict a prisoner whom he believed to be guilty, sometimes allowing his zeal to counterbalance the attenuated character of the evidence. In this he was doubtless more extreme than other English judges. But to American lawyers, accustomed to the carefully restricted position of our state judges, the attitude of an English judge in a criminal trial is apt to seem to be that of a certain judge on this side who at the beginning of a criminal case was wont to inquire of the representative of the state, "Are *we* ready, Mr. District Attorney?"

Among other famous cases in which Sir Edward appeared were three for the United States Government growing out of blockade running in the Civil War; and the *Baccarat* case in which Sir William Gordon Cumming, a member of the "Prince of Wales Set," unsuccessfully sued for slander those who had accused him of cheating at cards while at a house party in which he had been included at the suggestion of the Prince. Sir Edward also represented the plaintiff in the O'Shea divorce case in which Charles S. Parnell was co-respondent and which had a profound influence on English politics.

Since the Jameson raid and the Kaiser's famous telegram many things, as Sir Edward quotes an unconscious epigramist as saying, "have passed into history and been forgotten." And yet it is less than twenty-five years ago that Dr. Jameson was tried in London for his part in that affair and defended by Sir Edward Clarke and Sir Edward Carson. The task of counsel for the defence was rendered impossible by their definite instructions that no fact should be elicited which tended to show any direct or indirect responsibility on the part of the English government. If those instructions were followed the only hope for an acquittal lay in the chance that the jury might be swayed by public opinion and find a verdict in disregard of the evidence. In order to forestall this, Lord Russell of Killowen, the Lord Chief Justice, who presided at the trial, directed the jury to return a special verdict in the form of answers to questions, instead of a general verdict. It was in this connection that Lord Alverstone who as Sir Richard Webster, the Attorney General, led for the prosecution, stated "that for once in his life Sir Edward Clarke lost a great opportunity."⁹

⁷ Purcell, *Forty Years at the Criminal Bar* (1916) 61.

⁸ Sir Henry Hawkins, *Reminiscences* (1904) 34.

⁹ Viscount Alverstone, *Recollections of Bar and Bench* (1915).

When the jury reported their answers to the questions, the Lord Chief Justice stated "That amounts to a verdict of guilty which you now find against all the defendants." Then the following occurred:

"The Lord Chief Justice: You find a verdict against the defendants, with that representation.

The Foreman: We answered your Lordship's questions categorically.

The Lord Chief Justice: Then I direct you that in accordance with those answers you ought to find a verdict against the defendants.

Sir Edward Clarke: My Lord, I wish to say—.

The Lord Chief Justice: I cannot at this moment allow any interposition.

Sir Edward Clarke: I am calling your Lordship's attention—.

The Lord Chief Justice: At this moment, no. I am addressing the jury, and cannot allow it. I must ask you to sit down."¹⁰

After some further colloquy between the Lord Chief Justice and the foreman, it appeared that the jury had not agreed upon a verdict of "guilty." But, after being again told by the masterful and imperious Russell that the verdict which they had returned was in effect one of "guilty" and that they should so find, the protestants gave way and a verdict was returned accordingly. Lord Alverstone's criticism is that Sir Edward Clarke should have persisted in his claim that the question of guilty upon the indictment should be left generally to the jury. "It may be that the criticism is just; but I do not now see what good purpose would have been served by a violent scene in court, or by my calling on my colleagues to retire with me from the court."¹¹ Counsel's position was undoubtedly an extremely difficult one, especially in view of the dominating character of Lord Russell. One cannot help feeling, however, that perhaps Lord Alverstone is correct and that, if the recalcitrant jurors had had more vigorous support from counsel, they might not have assented to the verdict.

Upon another question of more general interest, that of the fusion of the two branches of the profession in England, Lord Alverstone and Sir Edward Clarke again express divergent opinions. Both gained their knowledge of American conditions from Judah P. Benjamin. Sir Edward Clarke says that it was a conversation with Benjamin that first convinced him of the desirability of the fusion, and refers to Baron Bramwell as concurring in this view.¹² In support of his view that the present separation into barristers and solicitors should be retained, Lord Alverstone cites Sir Charles Russell and Benjamin and states that he

"asked Benjamin his opinion on the question, he having experienced both systems. He said he agreed that for a country with a long established procedure, the English system was by far the best; but

¹⁰ O'Brien, *The Life of Lord Russell of Killowen* (1901) 282.

¹¹ Sir Edward Clarke, *The Story of My Life* (1918) 329.

¹² *Ibid.*, 271-272.

he thought that for new and young countries, which had not reached the stage of final development, it would be difficult to maintain the separation which exists in this country, and that it was necessary that lawyers should be allowed to conduct cases in court as well as act as solicitors."¹³

None should have been better qualified to pass judgment upon this question than Benjamin, who achieved conspicuous success at each Bar in turn. Lord Bryce who views the matter more theoretically expresses the same opinion.¹⁴ It would be rash for an American to venture an opinion upon this mooted question, but, as tending to confirm Benjamin's view it may be noted that in some of our larger cities, the tendency is for the successful trial lawyers to devote practically all of their time to court practice.

Among lawyers, the fees of other lawyers are the subject of perennial conjecture. Their own fees, however, they do not so readily discuss, and even in their reminiscences are sometimes as discreetly silent as were Sergeant Ballantine and Sir Henry Hawkins. Sir Edward Clarke, however, satisfies our curiosity upon this point. From 1868 to 1907 his income from practice averaged over fifty thousand dollars a year. The year 1868 was Sir Edward's fifth year at the Bar and his income for that year was only \$1500.00 and not until 1880 did it exceed \$30,000.00. For some of the later years, therefore, the average must have been largely exceeded. For the six years he was Solicitor General the average was over \$87,500.00. This income, however, does not equal that of some other barristers. Sir Charles Russell came to the English Bar six years before Sir Edward Clarke, and, when he was in full practice, his income probably exceeded that of any of his rivals. His biographer has given from his fee book his exact income for each year. For the last thirteen years of his practice, his annual income averaged over \$83,000.00, while, if the first three years of his practice be excluded, his income for the remainder of the time also averaged over \$50,000.00 a year. This, however, would indicate a somewhat larger income for Russell, as his figures are for thirty-two years, while Sir Edward Clarke's are for thirty-nine years, seven additional years of full practice with the amounts involved in litigation constantly increasing, necessarily being a great make weight in bringing up the average. The figures given by Sir Edward Clarke will be eagerly seized upon by those interested in comparing the earnings of the leaders of the English and American Bars. Lord Bryce gives it as his opinion that "The incomes of the first counsel in cities like New York are probably as large as those of the great English leaders"¹⁵ and states that he has heard of individual lawyers earning \$200,000.00, or more, but estimates that "not more than thirty counsel in the whole country make by their profession more than \$100,000.00 a year." Joseph H. Choate, speaking in 1907,¹⁶ expressed the opinion

¹³ Viscount Alverstone, *op. cit.*

¹⁴ 2 Bryce, *The American Commonwealth* (1913 ed.) 676.

¹⁵ *Ibid.*, 674.

¹⁶ Address delivered before the New York State Bar Association.

"that for professional leaders in the same relative position, the earnings here and there were about the same" and he adds that during his stay in London thirty thousand pounds a year was the highest sum he heard ascribed to the most successful leaders of the day. The author of that delightful book *A Philadelphia Lawyer in the London Courts* thinks that the most distinguished leader may at the height of his career make 20,000 to 25,000 guineas a year, or a maximum of a little over \$127,000.00 and concludes that fees do not run as large as in the United States.¹⁷ Certain it is that even in the last century some very large fees were collected in the United States. In the *Farragut Prize Cases* Benjamin F. Butler received a fee of \$75,000.00.¹⁸ Joseph H. Choate's fee in the *Interborough Street Railway Company* case was \$150,000.00.¹⁹ Henry L. Clinton is said to have received a fee of \$400,000.00 in the Commodore Vanderbilt will case, while Mr. Francis Lynde Stetson and Mr. Victor Morawetz are reported to have collected a fee of \$500,000.00 for their services during a period of eleven days in connection with the sale of the Carnegie steel properties.²⁰ Few enormous fees are mentioned in connection with the English leaders. Russell's fees in the Parnell commission were \$16,500.00. It is true that a brief was delivered to Sir Henry Hawkins with a fee marked twenty thousand guineas and, upon his declining it, one of fifty thousand guineas or over two hundred and fifty-five thousand dollars was suggested. But this was quite exceptional, for Sir Henry Hawkins stated that it involved a voyage to India and for this reason was declined.²¹ Some of the fees paid American lawyers within the past twenty years have been quite unprecedented. Theron G. Strong refers to one lawyer whose income from litigated business, after deducting expenses, was in 1911, \$1,000,000.00, \$800,000.00 of which was a single fee.²² Contrast this with the earnings of Daniel Webster whose fees in 1834 amounted to \$13,140; in 1835, to \$15,183.74; and in 1836 to \$21,793, the largest single fee being \$7,500.00. These sums included his Congressional pay.²³

If one takes the latter half of the nineteenth century and excludes from consideration all but fees from litigated cases, one is inclined to the view that, while at the beginning of that period the incomes of the great English K. C.s exceeded those of their American brothers, as the volume and importance of litigation increased in the United States, the scale of fees rose until at the end of the century the incomes of the leaders of the American Bar quite equalled, if they did not exceed, those of their British contemporaries. But, as hand-

¹⁷ Leaming, *A Philadelphia Lawyer in the London Courts* (1911) 61.

¹⁸ Benjamin F. Butler, *op. cit.*

¹⁹ Strong, *Joseph H. Choate* (1917) 233.

²⁰ Strong, *Landmarks of a Lawyer's Lifetime* (1914) 463.

²¹ Sir Henry Hawkins, *op. cit.*

²² Strong, *Landmarks of a Lawyer's Lifetime* (1914) 462.

²³ Harvey, *Reminiscences and Anecdotes of Daniel Webster* (1877) 84.

some as are some of these fees, when one compares them with the rewards received in some other lines of endeavor, one is impressed that among Minerva's gifts she does not bestow the touch of Midas.

Sir Edward Clarke has said that he "did not come to the Bar from any attraction for the study of law" but because he "believed that through this profession I might be able to make my way to political influence and position." And yet he was always a lawyer among politicians. His very success at the Bar with its immense draught upon his time and energy militated against any extraordinary achievement in the House of Commons. It is sometimes said in England that the floor of the House of Commons is strewn with the wrecks of lawyers' reputations. In the case of the busy K. C., the wonder is, as Doctor Johnson said of a woman preaching, not that it is not done well, but that it is done at all. He must arise at an early hour, read briefs until court convenes, spend a long day in the trial of cases, follow this with consultations and often sit in the House of Commons until midnight. Naturally he has little spontaneity left towards the end of this intellectual marathon. But Sir Edward Clarke's legislative experience was both interesting and highly creditable. His experience at the Bar had convinced him of the necessity of two great reforms and in their enactment into law he bore a conspicuous part. One was the Workmen's Compensation Act, and the other the abolition of the common-law rule preventing a person accused of crime from testifying in his own behalf. As to the latter, Sir Edward reminds us of what is sometimes forgotten—that it was not only a sword which was used against the innocent but a shield which often protected the guilty. It is with some complacency also that Sir Edward Clarke recalls that he was a supporter of the Channel Tunnel project.²⁴ Some self satisfaction on this score may be pardoned when one recalls the blindness of those who affixed their signatures to that monster petition which prayed that the House of Commons would not permit the work to go on and which was headed by the historic names of the second Duke of Wellington and the eighth Duke of Marlborough; was signed by the archbishops of York and Canterbury, by two cardinals, the poet laureate, by peers, commoners, soldiers, sailors, authors, lawyers, doctors, and thousands of others, and was carried in person to the House of Commons by Thomas Huxley and Herbert Spencer.

But political courage is rarer than prescience and indeed some have feared that this quality may ultimately suffer the fate of the dodo. That Sir Edward Clarke was not lacking in it, however, was strikingly demonstrated on three occasions. The tone of President Cleveland's Venezuelan message was not relished in England and those who preached moderation were attacked by the jingoists. But Sir Edward Clarke had the good sense to see the folly of a breach between the two great English-speaking nations and the manliness to say, "I do

²⁴ Sir Edward Clarke, *The Story of My Life* (1918) 271.

not believe in that false and bastard honour which is afraid to do justice because justice has been demanded with an insult or a menace."²⁵ In the United States we long ago learned that for a politician to speak or vote against his party is not necessarily a manifestation of political independence. For one whose haunting fear is the loss of place, the voice of his constituency is more compelling than that of his party. But when one arrays himself—as did Sir Edward Clarke in his opposition to the South African War—against the policy of his party, the wishes of his constituents and the overwhelming sentiment of the country, there can be no doubt of his courage. But he who at the demand of his constituents refuses to abjure the faith that is in him does not see

“the spears that seemed aleap to slay,
All quiver earthward at the headman’s nod.”

And so Sir Edward’s resignation was demanded and—in the picturesque English phrase—he applied for the Chiltern Hundreds.

He later obtained another seat in the House of Commons, this time for the city of London, and lost it because he would not follow the party chiefs in their tariff program. The ultimate penalty paid by Sir Edward Clarke for his independence was the loss of the greatest prize offered by his profession. His desire was not for political office. The crowning ambition of the English barrister is to round out his career by holding high judicial office and obtaining the title, emoluments and honors which accompany it. The leading barrister who belongs to the party in power usually becomes Solicitor General, then Attorney General and finally either Lord Chief Justice or Lord Chancellor. Such was the career of Lord Russell, Lord Halsbury, of Viscount Finlay and Viscount Alverstone. Rufus Isaacs and F. E. Smith led the Bar. Each in turn was Solicitor General. Sir Frederick Smith followed Sir Rufus Isaacs as Attorney General. The one is now Lord Chancellor as Lord Birkenhead and the other Lord Chief Justice as the Earl of Reading. Such was Sir Edward Clarke’s ambition, and when in 1886 he became Solicitor General it seemed in a fair way to fulfilment. He was again offered that position in 1895, but declined it because of the newly promulgated prohibition against private practice. In 1885 Sir Edward Clarke had been mentioned for Attorney General, but Sir Richard Webster was preferred. In 1895, Webster again became Attorney General and Lord Salisbury promised Sir Edward Clarke the reversion, should there be a vacancy within the next two years. In 1897, when the Mastership of the Rolls became vacant, this was offered to Webster with the understanding that Sir Edward Clarke would succeed him as Attorney General. Webster, however, preferred to remain as Attorney General. The Mastership of the Rolls was thereupon offered to Sir Edward Clarke who also declined it. So it was that Sir Richard Webster and not Sir Edward

²⁵ *Ibid.*, 322.

Clarke became Lord Chief Justice in 1900. Sir Edward Clarke's comment is frank. Speaking of Webster's appointment as Attorney General in 1885, he says: "For the first time my junior was preferred before me. And there he always remained, blocking my way. But for his action I should have been Attorney-General in 1897; but for him I believe I should have been Lord Chief Justice in 1900."²⁸ It is sufficient commentary upon the characters of the two men that through it all their friendship "did not moult a feather."

His break with his party in 1900 fought against him and he was never again offered judicial position by his own party, for when he became a Privy Councillor it was Mr. Asquith who told him that his name was by far the most popular on the birthday list. Sir Edward does not conceal his disappointment that he finished his career as he began it, a private member of the English Bar, that, in Browning's phrase, he just escaped success. And yet there is no trace of bitterness nor any occasion for it, for Sir Edward Clarke's life has been full and interesting.

Not all of Sir Edward Clarke's energies were devoted to law and politics. He found time to prepare a version of the New Testament and to formulate a new system of shorthand. Among his friends have been some of the famous names of the stage. He had devoted a part of his early life to journalism, and books have been with him always a vital and abiding influence. He reminds us—as did Mr. Asquith in his recent Romanes Lecture at Oxford—of the precious freight the presses bore in that Victorian age which it is now so much the fashion for a Greenwich Village to deride. The partial list which he gives for the decade 1850-1860, including *Pendennis*, *In Memoriam*, *Hypatia*, *Bleak House*, *Adam Bede* and many others, reads almost like a catalogue of the "Hundred Best Books," and one catches something of the thrill of the eager reader of that day when every week some new masterpiece was laid upon his library table.

Sir Edward himself has that enviable style which some one has described as writing like a human being—the same quality which led the American Bar Association on the occasion of the visit of Lord Haldane and more recently of Lord Finlay to say of these two ex-occupants of the Woolsack, that while some American lawyers, perhaps, could have thought as profoundly, none could have phrased his conclusions quite so felicitously. Sir Edward is in his happiest manner when with deft and incisive phrase he sketches the foibles and virtues of some great contemporary—Lord Randolph Churchill or Lord Russell. Sir Edward's life has been, indeed, rich in many respects, and none of the interest is lost in the telling. "It is perhaps as difficult to write a good life," says the vitriolic Strachey, "as it is to live one." Sir Edward Clarke has compassed both difficulties.

²⁸ *Ibid.*, 242-243.